

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-56, dt.28.01.2020 - Appeal filed by Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 10

Dated: 20-01-2021

Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-56, dt.28.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of Adilabad District, dated 17.02.2020.
4. Govt.Memo.No.274/TW.LTR/2020, dated 28.05.2020
5. Lr.No.D5/309/2018, dated:30.07.2020 of PO, ITDA, Uttoor, Adialbad District.
6. Notice No.274/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has cancelled the Agency Area ST Certificate bearing No.E/968/2016, dt.08.02.2016 issued by the Tahsildar, Boath Mandal to Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of Adilabad District and also declared that she is not a local ST as per definition of GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018, basing on the following grounds of the Scrutiny Committee:

- The candidate has not submitted latest Local ST Certificate issued by the Tahsildar, Boath as per G.O.Ms.No.24, TW (LTR.1) Department, dated 12.06.2018.
- The applicant has submitted land record particulars in respect of Sy.No.8 of Chinthalbori village of Boath Mandal. These lands do not belong to her fore-fathers but belong to Rathod Shyamka D/o Mangulal R/o Devulnaik Thanda H/o Pardi-B village of Boath Mandal who is not related to the candidate.
- The land record particulars in respect of Sy.No.5 of Ghanpur village of Boath Mandal which the candidate has furnished is only from the year 1988-89 belongs to her father's brother for which the complete link since 1950 is not established.

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- The family tree particulars furnished by the candidate at the time of applying for getting Local ST certificate is different. Then the family tree furnished now at the time of verification of Agency Area certificate in the office of the Project Officer, ITDA Utnoor both are different. The candidate has submitted (2) different family trees. In one family tree, the forefather is shown as Rathod Jesha S/o Amru and his son Rathod Gulabsingh S/o Jesha, whereas subsequently in ITDA, the candidate has submitted a family tree where the forefather is Gannu S/o Sakru and his son Gulab singh S/o Gannu. This is serious case of submission of false information before the Executive Magistrate. Moreover, the candidate has not produced any other documentary evidence to prove residence in Agency area of her family forefathers since 1950.
- The candidate has not produced any related documents in having agricultural lands in favour of her forefathers prior to 1950 or having any possession or cultivated the agricultural lands in the notified village in her forefathers favour to prove her residence in Agency Area.
- The Scrutiny Committee with the above findings opined that there is no significant evidence to prove that Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of Adilabad District belongs to Agency Area. Hence, the Agency Area Local ST certificate issued to her by the Tahsildar, Boath vide Rc.No.E/968/2016, dt.08.02.2016 is not genuine, as the certificate not issued in accordance with G.O.Ms.No.24, TW (LTR.1) Department, dt.12.06.2018. Hence, the certificate is liable to be cancelled and recommended for cancellation.
- A show cause notice was issued to Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal to attend before the District Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, Rathod Vandana D/o Datha has attended before the District Collector, Adilabad on 28.01.2020. After perusal of relevant material documents submitted earlier by her and the findings of the DLSC headed by PO ITDA Utnoor, it was revealed that the candidate has submitted (2) different family trees – the change in family tree seems to be highly suspicious and objectionable.
- The candidate has failed to prove relationship between Poolsingh and Gulabsingh.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Rathod Vandana D/o Datha R/o Ghanapur village of Boath Mandal, District Adilabad vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, of dt.12.6.2018 of TW (LTR.1) Department. The contentions of Appellant Rathod Vandana D/o Datha as follows.

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- She has been selected for the post of TRT under Agency Scheduled Tribe Category of Adilabad District.
- Her case has been referred to the Scrutiny headed by PO ITDA Utnoor for verification of genuineness of local ST status.
- The Scrutiny Committee headed by PO ITDA Utnoor has categorically failed to verify and peruse the material and documentary evidence put-forth and without properly verifying genuineness of the relevant documents came to a negative conclusion that the petitioner does not belong to notified Scheduled Area and also categorically failed to properly scrutinize the Faisal Patties for the year 1358, Khasra Pahani for the year 1954-55 and relevant Pahai Patrikas showing continuous residence of her fore-fathers and cultivating the lands assigned in their favour.
- The opinion of the Scrutiny Committee to refer the same to the District Collector, Adilabad is against the principles of natural justice, equity and fair play and therefore, the conclusions issued by the District Collector, Adilabad is liable to be set-aside.
- There is no justification to issue cancellation of Agency Area Local ST certificate issued by the Tahsildar, Boath dated 08.02.2016 in the absence of any proof of relevancy, admissibilities and facts.
- Out of Sy.No.60 measuring acs.25.12 gts situated at Chinthalabori village and Sivar and out of which 0.20 gts of land incorporated under I.B. mutation proceedings in favour of Jesha S/o Amru who is the great-grand father of Rathod Datha who is father of the petitioner herein.
- As per voter list and PPB stands in the name of Rathod Datha S/o Ganapathi residing at Ghanapur village.
- Pahani for the year 1948 and Khasra Pahani for the year 1954-55 shows name of Jeshya S/o Amru.
- Pahani for the year 1962-63, 1969-70 show name of Jeshya S/o Amru.
- Pahani for the year 1968-69 shows name of Phulsingh S/o Jeshya.
- Pahani for the year 1981-82 shows name of Phulsingh S/o Jeshya.
- Pahani for the year 1994-95 shows name of Sundersingh S/o Ramsingh.
- Pahani for the year 2000-03 show name of Dharm Singh S/o Jeshya.
- Pahani for the year 2007-08 shows name of Sundersingh S/o Ramsingh.
- Pahani for the year 2018-19 shows name of Rathod Datha S/o Ganapathi.

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- The family trees as shown herein disclose that she is the legal heir and dependant from the fore-fathers duly related with blood relations. Therefore, the question of cancelling her local Agency Area Certificate does not arise basing on false and attributed allegations and opinion of the Scrutiny Committee.
4. Therefore, the appellant Rathod Vandana prayed in her Appeal to set aside cancellation orders of the District Collector, Adilabad.
5. The appellant Rathod Vandana, D/o Datha have submitted the following documents along with the Appeal and also during hearing on 5.9.2020.
- As per Family Tree duly Notarized on Rs.100/- stamp paper deposed by the appellant Rathod Vandana on 27.8.2020 before P.Rajeshwar, Notary Public, Adilabad (appointed by Govt.of Telangana):
 - Rathod Jesha S/o Amru (Head of Family) is father of great grandfather of appellant namely Rathod Gulabsingh.
 - Rathod Jesha has six sons 1) Poolsingh 2) Gulab Singh (great grandfather of appellant) 3) Mohan 4) Baddhu 5) Dharam and 6) Narayan.
 - Rathod Gulabsingh i.e. great grandfather of appellant has two sons 1) Rathod Rupla and 2) Rathod Ganapathi (grandfather of appellant).
 - Rathod Ganapathi i.e. grandfather of appellant has two sons namely 1) Rathod Digamber and 2) Rathod Datta (father of appellant).
 - Rathod Datta i.e. father of appellant has two sons and 2 daughters – 1) Sikinder (son) 2) Vandana (daughter and appellant herein) 3) Anchana (daughter and 4) Sachin.
 - 1358 Fasli (1948 year) of Chintalbori village – Jesha i.e. (great great grandfather of appellant) was in cultivator column for an extent of 24.23 acres out of the total extent of acs.25.12 gts. (purchased from the pattedar under sada sale agreement). Copy issued officer is Dy.Tahsildar, Boath Mandal.
 - Pahani for the years 1962-63, 1969-70 – village: Chintalbori – Boath Mandal – shows name of Jesha S/o Amru for an extent of acs.25.12 gts in Sy.No.60.
 - Pahani for the year 1981-82 – village: Chintalbori – Boath Mandal – shows name of Poolsingh S/o Jesha for the total extent of acs.25.12 in Sy.No.60. (Poolsingh is eldest brother of great grandfather of appellant Gulab singh).
 - Pahani for the year 1986-87 – village: Chintalbori – Boath Mandal – show names of 1) Ramsingh S/o Poolsingh (son of eldest brother of great grandfather of Gulabsingh) for an extent of acs.6.13 gts under Sy.No.60/A and 2) Mohansingh S/o Jesha (younger brother of great

grandfather of appellant namely Gulab Singh) for an extent of acs.6.13 gts in Sy.No.60/AA.

- Pahani for the year 1994-95 – village: Chintalbori – Boath Mandal – show names of 1) Sundersingh S/o Ramsingh for an extent of acs.1.26 in Sy.No.60/A; 2) Gulabsingh S/o Ramsingh for an extent of acs.1.26 in Sy.No.60/AA; 3) Jorsingh S/o Ramsingh for an extent of acs.1.26 in Sy.No.60/E; 4) Mohansingh S/o Jeshya (younger brother of great grandfather of appellant namely Gulabsingh).
- Pahani for the year 2002-03 – village: Chintalbori – Boath Mandal – show names of 1) Dharamsingh S/o Jeshya (younger brother of great grandfather of appellant namely Gulabsingh) for an extent of acs.6.13 in Sy.No.60/❧; 2) Narayana S/o Jeshya (younger brother of great grandfather of appellant namely Gulabsingh) for an extent of acs.6.13 in Sy.No.60/❧❧
- Pahani for the year 2007-08 – village: Chintalbori – Boath Mandal – show names of 1) Sundersingh S/o Ramsingh S/o Poolsingh for an extent of acs.1.26 in Sy.No.60/A; 2) Gulabsingh S/o Ramsingh S/o Poolsingh for an extent of acs.1.26 in Sy.No.60/AA and 3) Jorsingh S/o Ramsingh S/o Poolsingh for an extent of acs.1.26 in Sy.No.60/E.
- Pahani for the year 2018-19 – village: Chintalbori – Boath Mandal – shows name of Rathod Datta S/o Ganapathi (i.e. father of appellant) for an extent of acs.0.20 gts in Sy.No.60/A/2.
- PPB issued in favour of Sri Rathod Dattu S/o Ganapathi (father of appellant) R/o Ghanpur by Tahsildar, Boath under Patta No.226 shows an extent of 0.20 gts in Sy.No.60 situated in Chintalbori village of Boath Mandal.
- In the extract of Revision Register – an extent of acs.0.20 gts in Sy.No.60/A shown against Rathod Datta S/o Ganapathi R/o Ghanpur village of Boath Mandal – It was stated that out of the extent of acs.1.26 gts in Sy.No.60/A patta belongs to Sunder S/o Ramsingh, 0.20 gts was given in family partition to Rathod Datta S/o Ganapathi (father of appellant).
- New PPB bearing No.T13060030178 – Khata No.266 – issued on 10.04.2018 to Sri Rathod Datta S/o Ganapathi – shows an extent of acs.0.20 gts in Sy.No.60/A/2.
- Voter list of 241 Boath Assembly Constituency – village: Ghanpur – Firka: Boath – Taluq: Boath – District Adilabad – Part No.90 – Block No.1 - show names of Ganapathi S/o Ganapathi (grandfather of appellant) and his wife Smt.Gopibai at Sl.Nos.22 and 23 under H.No.1-22/A.
- Community and Date of Birth Certificate dated 07.01.2017 issued by Tahsildar, Boath Mandal – certifies that Kumari Rathod Vandana D/o Datta of Ghanpur village of Boath Mandal belongs to Lambadis ST community and that her Date of Birth is 26.6.1990.
- Certificate of Proof of Local ST Candidate bearing Rc.No.E/968/2016, dt.08.02.2016 issued by Tahsildar, Boath which reads as "This is to

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certify that Kum.Rathod Vandana D/o Rothod Datta age 26 years belongs to S.T.Lambadis has been residing in Ghanpur village of Mandal Boath, Adilabad District which falls within the Scheduled area since 26th day of January, 1950. Her parents have been residing in Ghanpur village of Mandal: Boath, Adilabad District which fall within the scheduled area since 26.1.1950”.

- Copy of partition agreement dated 05.06.2015 executed by R.Sundersingh S/o Ramsingh, Poolsingh Naikthanda H/o Pardi-B village of Boath Mandal – in favour of Sri Rathod Datta S/o Ganapathi (father of appellant) wherein the executants i.e. Sundersingh S/o Ramsingh stated that out of his extent of acs.1.26 gts in Sy.No.60/A situated in Chintalbori village, an extent of 0.20 gts is given as share.
- Panchayat Secretary, GP Chintalbori, Mandal: Boath – certified that the house of Sri Gulab Singh S/o Jeshya (great grandfather of appellant) as per Property Revision Register 1968-69 of Chintalbori GP was entered at Sl.No.224 with House Number 3-10. Hence, certified.
- Declaration by village elders dt.4.9.2020 signed by Sarpanch, GP Devalanaikthanda and other witnesses/ villagers Devalanaik thanda GP under Pardi-B village of Boath Mandal – wherein they stated that late Sri Rathod Gulabsingh S/o Jeshya (great grandfather of appellant) was their village elder. They were having land for an extent of acs.25.12 gts from before 1950 in Sy.No.60 in Poolsinghnaik thanda and sons of Jeshya were cultivating the said land. Due to family disputes, one of the sons of Jeshya namely Sri Gulabsingh (i.e. great grandfather of appellant) migrated to Ghanpur village of Boath Mandal in the year 1973. Therefore, they have declared that the heirs of Gulabsingh S/o Jesya belong GP Devalanaikthanda of Pardi-B village in Boath Mandal.

6. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

7. Accordingly, vide reference 5th read above, the P.O.ITDA, Utnoor Adilabad District has submitted original record of the case along with para-wise remarks.

8. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant Rathod Vandana D/o Datta has attended for hearing on 5.09.2020 and submitted documents in support of his claim that they have been residing in the Agency area since 26.1.1950.

9. The above documents produced before the Government, the appellant Rathod Vandana D/o Datta and her forefathers have been continuously residing in the Agency villages viz., Ghanapur and Poolsinghthanda H/o Chintalbori village of Boath Mandal of Adilabad District from before 1950 year.

10. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 5.9.2020 and also in the light of the interim

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orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, it is found that the appellant Rathod Vandana D/o Datta and her family has been continuously living in the agency villages of Ghanapur and Poolsinghnaikthanda, H/o Chintalbori in Boath Mandal of Adilabad District since 26.1.1950 and that the Agency Area Certificate bearing Rc.No.E/968/2016, dt.08.02.2016 issued by the Tahsildar, Boath after due enquiry, is treated as valid.

11. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs.Rc.No.C3/2596/2019-56, dated 28.01.2020 and allow the and the Appeal petition filed by the appellant Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of Adilabad District.

12. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Rathod Vandana D/o Datha R/o Ghanpur village of Boath Mandal of
Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary
action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER